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Compilation on Guatemala

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Committee on the Elimination of Racial Discrimination urged Guatemala to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance,[3] and recommended that it ratify the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination.[4]

3. Two Committees called on Guatemala to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[5]

4. The Committee on Economic, Social and Cultural Rights encouraged Guatemala to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[6] The Committee against Torture invited Guatemala to consider acceding to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[7]

5. Two Committees called on Guatemala to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.[8]

6. The Committee on Economic, Social and Cultural Rights recommended that Guatemala ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[9]

7. In March 2014, the 2005 agreement establishing a country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala was

extended for the third time, for three years.[10] In March 2012, the High Commissioner undertook an official visit to Guatemala and in 2014, the Deputy High Commissioner visited the country. Guatemala made financial contributions to OHCHR in 2012 and 2013.[11]

III. National human rights framework[12]

8. OHCHR referred to the commitment of Guatemala, under the second cycle of the universal periodic review, to maintain its permanent system for follow-up to recommendations, in cooperation with civil society. It urged Guatemala to implement, in a coordinated manner and in consultation with civil society, the recommendations from United Nations human rights mechanisms.[13]

9. The Committee against Torture recommended that Guatemala ensure that the appointment of members to the national preventive mechanism complied fully with the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that the mechanism had the necessary resources to fulfil its mandate independently and effectively.[14]

10. OHCHR noted that the Inter-American Court of Human Rights had issued two orders declaring Guatemala in contempt for violation of its obligation to comply with 13 of its judgments, and had reiterated that provisions adopted domestically could not be used as justification for non-compliance with its rulings, including in the case of amnesties, even if they came from the highest court in the country.[15]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[16]

11. OHCHR noted that indigenous peoples continued to be victims of racial discrimination, inequality and exclusion. A total of 79.2 per cent of indigenous peoples in Guatemala were living in poverty.[17]

12. The Committee on the Elimination of Racial Discrimination reiterated its concern that there was no national legislation defining as an offence punishable by law the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination or racially motivated acts of violence.[18]

13. The Committee on Economic, Social and Cultural Rights regretted that, despite legislative amendments, inequalities between men and women persisted. It noted with concern the disadvantaged situation of indigenous women.[19]

14. While noting the establishment of the Office of the Ombudsman for sexual diversity, the same Committee regretted the persistence of discrimination on the grounds of sexual orientation in employment, housing, access to education and health care. It recommended that Guatemala ensure that lesbian, gay, bisexual and transgender persons were not discriminated against on account of their sexual orientation or gender identity.[20]

2. Development, the environment, and business and human rights[21]

15. The United Nations country team expressed its concern about the human rights impact of projects to exploit natural resources, including mining and hydroelectric projects, and highlighted weaknesses in environmental impact studies, which did not include analysis of social impacts, and in the development of appropriate mitigation measures.[22]

B. Civil and political rights

1. Right to life, liberty and security of person[23]

16. The Committee against Torture invited Guatemala to consider abolishing the death penalty and, in the meantime, urged it to maintain its de facto moratorium.[24] OHCHR highlighted the fact that the Constitutional Court had declared unconstitutional the application of the death penalty in cases of qualified homicide,[25] and recommended that Congress adopt bill No. 5100 for the definitive abolition of the death penalty.[26] The Committee against Torture urged Guatemala to strengthen the National Civil Police as soon as possible, with a view to ensuring a prompt end to army intervention in public security activities.[27]

17. The United Nations country team stated that Guatemala continued to face serious problems with violence and organized crime, including high levels of homicides, sexual violence, disappearances, forced recruitment into criminal gangs and extortion. Since the second universal periodic review, more than 20,000 people had died as a result of violent crime.[28]

18. In 2017, OHCHR stated that despite a modest reduction in the number of violent deaths over the previous two years, Guatemala had continued to face serious problems of violence and organized crime.[29] Noting the approval in 2014 of the National Policy for Violence and Crime Prevention, Citizen Security and Peaceful Coexistence 2014-2034, OHCHR stated that the Government's response to violence and insecurity remained predominantly reactive and without a focus on structural causes.[30]

19. OHCHR called upon the Ministry of the Interior to ensure that all private security companies were registered, as required by law, and that their activities were properly monitored.[31]

20. In March 2017, referring to the death in a fire of 41 girls who had been locked inside the government-run youth shelter, Hogar Seguro Virgen de la Asuncion, the United Nations Deputy High Commissioner for Human Rights stated that the cause and circumstances of the tragedy should be investigated and that those responsible must be brought to justice. She underscored the need for profound reforms to the child welfare system.[32]

21. In December 2016, OHCHR condemned the violent incidents which had led to the deaths of five transgender women and urged the authorities to protect the lives and integrity of lesbian, gay, bisexual, transgender and intersex persons.[33]

22. The Committee against Torture noted with concern that the fate of over 40,000 alleged victims of enforced disappearance during the armed conflict were still unknown and recommended that Guatemala establish an independent commission to search for them. It also recommended setting up a national register of disappeared persons to facilitate the search.[34]

23. The Committee against Torture was concerned at reports of the use of police violence, including ill-treatment, when a person was arrested and before they were brought before the competent judicial authority.[35] OHCHR indicated that in 2016, there had been a significant increase in the number of National Civil Police officers sanctioned for infractions including for abuse of authority, aggression, extortion and drug trafficking.[36] The Committee against Torture recommended that Guatemala ensure that impartial and effective investigations into all reports of torture and ill-treatment were carried out without delay.[37]

24. OHCHR underscored that reforms were still outstanding to the law on police to ensure the implementation of the new police model envisioned in the peace agreements, including the strengthening of internal controls and establishment of a professional career track.[38]

2. Administration of justice, including impunity, and the rule of law[39]

25. OHCHR stated that the Attorney General's Office, in cooperation with the International Commission against Impunity in Guatemala, had continued to achieve

significant results throughout 2016 in the fight against corruption and impunity, targeting criminal structures. Prosecutions had included public officials of the three State branches and businessmen.[4] In 2015, several government officials had resigned, including the President and the Vice-President, as a consequence of corruption networks being revealed after investigations conducted by the Attorney General's Office, in coordination with the International Commission.[5] The Secretary-General of the United Nations welcomed the renewal of the International Commission and stressed that it was important to uphold democratic principles and the rule of law in order to ensure the change needed to strengthen democracy in Guatemala.[6]

26. OHCHR noted that the progress made had helped pave the way for public discussions on justice reforms, which in turn had led to a bill containing proposals for constitutional reform.[7] The Deputy High Commissioner for Human Rights commended the engagement of the three State branches in proposals for constitutional reforms in the area of justice, but was disappointed that debates on the reforms had been stalled and the recognition of indigenous jurisdiction rejected. It encouraged Congress to move ahead with adopting the bill without undermining either the essence or the coherence of the reform.[8] United Nations experts stressed that constitutional reforms in the area of justice must include protection of the rights of indigenous peoples to maintain and strengthen their justice system, guarantees of respect for multiculturalism and gender equality in access to the justice system, constitutional guarantees of a professional career track and the establishment of selection mechanisms that eliminate the risk of politicization and conflicts of interest, and a model for the separation of the administrative and jurisdictional functions of the Supreme Court of Justice that ensured the full independence and impartiality of the judiciary.[9] OHCHR noted that, pending approval of the constitutional reforms, Congress had adopted amendments to the foundational law of the Attorney General's Office and the law on the judicial career, which had helped to strengthen judicial independence.[10]

27. The Deputy High Commissioner for Human Rights considered that progress on the fight against corruption and impunity for past and present human rights violations would not take hold as intended unless and until the pending structural changes to the country's justice system were carried out.[11]

28. OHCHR stated that high-risk courts had played a crucial role in combating impunity for past and present human rights violations. However, some judges faced constant attacks and intimidation, including one who had handled major transitional justice cases.[12] The Deputy High Commissioner for Human Rights expressed concern at the increasing hostility directed towards judicial actors engaged in the fight against impunity, as illustrated by the attacks against the Attorney General and several judges presiding over high-profile corruption cases.[13] OHCHR urged the judiciary to develop and implement a protection protocol for cases of threats and attacks against judges, especially those involved in high-impact cases, with the goal of protecting their security and that of their families in a systematic and comprehensive manner.[14]

29. Likewise, OHCHR was deeply concerned at the ongoing misinformation and smear campaigns directed against the International Commission against Impunity in Guatemala and its head.[15]

30. OHCHR noted that the process for selecting high-level judicial authorities was characterized by the lack of objective and transparent criteria.[16] The Committee on the Elimination of Racial Discrimination recommended that Guatemala continue to strengthen the independence of the judiciary and that it strengthen the Office of the Prosecutor for Human Rights.[17]

31. On transitional justice, the Committee on the Elimination of Racial Discrimination welcomed the action taken to combat impunity, including the bringing to trial of high-profile cases such as the Sepur Zarco case. It also welcomed the Constitutional Court's position on the inadmissibility of amnesty orders or time limitations for the prosecution of grave human rights violations.[18] However, it was concerned about the numerous challenges remaining, as demonstrated by the annulment of the judgment against Efraín Ríos Montt, and the fact that State institutions had issued statements on the legal merits or status of some cases before the courts had issued their decision.[19] OHCHR stated that the delay in

39. The United Nations country team underscored that there had been reports of alleged misuse of criminal trials in connection with social protests defending the rights to land, territory and natural resources and that those trials had been characterized by irregularities and delays.[70]

40. The High Commissioner for Human Rights expressed concern that the governmental agreement on the mandate of the Unit for the Analysis of Attacks against Human Rights Defenders of the Ministry of the Interior had not been renewed.[71] OHCHR recommended strengthening the risk-analysis procedure and the protection measures for human rights defenders, taking due account of gender and cultural aspects.[72] OHCHR stated that in September 2016, the Presidential commission for coordinating executive policy in the field of human rights had launched the development of a public policy on human rights defenders.[73]

41. The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged Guatemala to decriminalize defamation and consider taking advantage of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.[74] UNESCO urged the Government to continue to investigate the cases of killed journalists.[75] OHCHR urged the authorities to ensure the prompt establishment of a mechanism to protect journalists.[76]

42. The ILO Committee of Experts on the Application of Conventions and Recommendations noted with regret that for a number of years, it had been examining allegations of serious acts of violence against trade union officers and members, including numerous murders and the related situation of impunity. While duly noting that certain measures had been adopted, it noted the tragic lack of progress in that area. It firmly urged the Government to continue making every effort to investigate those acts to determine responsibilities, taking fully into consideration the trade union activities of the victims.[77]

43. The United Nations country team noted that no progress had been made in the representation of women in elected public office.[78] The Committee on Economic, Social and Cultural Rights recommended that Guatemala combat gender stereotypes by promoting equal representation of men and women in public office.[79]

44. OHCHR stated that representation of indigenous peoples in State institutions at the highest level remained almost non-existent.[80] The Committee on the Elimination of Racial Discrimination recommended expanding the participation of indigenous peoples in the community development councils and ensuring that indigenous and African-descendent populations were appropriately represented in high-level positions.[81]

45. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure that all persons with disabilities were able to exercise their right to vote by secret ballot and to stand for election on an equal basis with others, in both urban and rural areas.[82]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[83]

46. The Committee on Economic, Social and Cultural Rights was concerned that, despite efforts made, the pay gap between men and women remained considerable. It recommended that Guatemala guarantee equal remuneration for men and women and take specific measures to promote women in the labour market.[84]

47. The Committee on the Elimination of Racial Discrimination expressed its concern at forced labour practices, and that the minimum wage was insufficient to provide a decent living for workers and their families. It recommended that Guatemala take all possible measures to reduce the size of the informal sector of the economy and to ensure fair, satisfactory working conditions.[85] OHCHR welcomed the President's decision in February 2016 to reject proposals to lower the minimum wage in four municipalities to promote manufacturing jobs. However, low wages remained a matter of concern.[86]

48. OHCHR referred to threats against and criminalization of trade unionists, employees facing dismissal for creating trade unions in the rural sector and the persistent failure to implement judicial orders to reinstate workers who had been illegally dismissed.[87]

49. The ILO Committee of Experts urged the Government to eliminate the various legislative obstacles to the freedom to establish trade unions.[88]

50. It requested the Government to intensify its efforts to guarantee and promote full compliance with trade union rights in the maquila sector.[89]

2. Right to an adequate standard of living[90]

51. The United Nations country team noted that Guatemala was one of the most unequal countries in the world in economic terms and in the areas of health, education and income distribution.[91] OHCHR asserted that in 2014, the World Bank had declared Guatemala the country with the lowest public spending in the world in relation to the size of its economy.[92]

52. The Committee on Economic, Social and Cultural Rights noted with concern that, despite measures taken by the State, the number of cases of acute malnutrition in children under 5 years old continued to be alarmingly high. It urged Guatemala to intensify its efforts to combat and prevent malnutrition among children, particularly those living in rural and remote areas, and to develop the mechanisms necessary to prevent the expansion of monocultures from exacerbating the food insecurity of rural communities.[93] OHCHR asserted that the development of an inter-institutional administrative protocol on children suffering from chronic malnutrition, which had been ordered by the Constitutional Court in 2010, was still outstanding.[94]

53. The Committee on Economic, Social and Cultural Rights regretted the alarming level of poverty in rural areas, despite the establishment of the Rural Development Cabinet and the adoption of a plan of action targeting rural populations living in poverty. It recommended that Guatemala pass the bill on rural development with a view to effectively implementing the National Policy for Comprehensive Rural Development, increase the budget allocated to the Ministry of Social Development and adopt a human rights-based approach in the implementation of its programmes.[95]

54. The same Committee noted the considerable shortage of social housing and was concerned about the large number of families living in informal urban settlements, particularly vulnerable to forced evictions, and about reports on forced evictions without prior consultation of the persons affected and without providing compensation, alternative housing or resettlement.[96]

55. OHCHR highlighted that in 2017 there were 1,448 land conflicts in Guatemala, and stressed the need for measures to address the conflicts faced by many indigenous and campesino communities related to the administration of protected areas.[97]

56. The High Commissioner expressed concern about the situation of some 100 families who had been displaced from their homes in the Laguna Larga community in the Petén region. The families, who were currently living on the border with the Mexican state of Campeche, had fled in anticipation of a forced eviction scheduled for 2 June, which had been ordered by a court without ensuring that firm resettlement and protection plans for the affected families were in place.[98]

3. Right to health[99]

57. OHCHR asserted that Guatemala faced an unprecedented health-sector crisis[100] and persistent challenges such as shortages of medicine, lack of medical staff and low levels of health-care coverage.[101] The High Commissioner recommended increasing the budget allocated to health care, and adopting measures to consolidate a national health system accessible to all, without discrimination.[102]

58. While noting the efforts Guatemala had made in the health sphere, the Committee on the Elimination of Racial Discrimination remained concerned that access to health continued to be limited in areas with higher indigenous populations. It reiterated its recommendation to formulate an intercultural health strategy with active participation by

indigenous peoples.[103] It also recommended that Guatemala ensure access to suitable and culturally appropriate health-care services in rural areas.[104]

59. The Committee on Economic, Social and Cultural Rights recommended that Guatemala address the high rate of teenage pregnancy, ensure the accessibility and availability of sexual and reproductive health services, particularly in rural areas, and incorporate comprehensive, age-related sexual and reproductive health education into school curricula.[105]

60. The same Committee noted with concern that unsafe or illegal abortions continued to be one of the principal causes of maternal mortality. It urged Guatemala to study the possibility of providing for exceptions to the prohibition on abortion, including in cases of pregnancies resulting from rape or incest.[106]

61. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure the appropriate provision of community health services for persons with disabilities throughout the country, on the basis of free and informed consent.[107]

4. Right to education[108]

62. The Committee on Economic, Social and Cultural Rights noted with concern the limited size of the education budget and the fact that Guatemala was one of the Latin American countries that spent the least on education. It recommended removing all direct and indirect charges in primary education, which should be compulsory and available free to all, providing resources to ensure the quality and infrastructure of the education system and improving the salaries, material conditions and training of teaching staff.[109]

63. Referring to relevant recommendations from the second review cycle,[110] UNESCO stated that there was a need to increase efforts to address obstacles to schooling faced by the most marginalized girls, and to pursue efforts to include ethnic groups in the educational system.[111] UNESCO recommended that Guatemala fully implement the provisions of the Convention against Discrimination in Education concerning the promotion of equal access to quality education without discrimination or exclusion, and pursue efforts to increase educational coverage among and the access of ethnic groups to the education system.[112]

64. The Committee on the Rights of Persons with Disabilities recommended that Guatemala establish a free, high-quality, inclusive education system at all levels and ensure that all children with disabilities received an education.[113]

D. Rights of specific persons or groups

1. Women[114]

65. The Committee against Torture reiterated its concern regarding the high rates of violence against women, particularly domestic violence. The Committee on Economic, Social and Cultural Rights recommended that Guatemala continue to raise awareness regarding the criminal nature of domestic violence and bring those responsible before the courts.[115]

66. The High Commissioner was gravely concerned about the 55 girls who had reportedly disappeared in September, October and November 2016 from centres where they had been living under State custody.[116] The United Nations country team indicated that at least 41 girls had died in the fire on 8 March 2017 at the Hogar Seguro Virgen de la Asunción youth centre, where they were living under State protection, and urged far-reaching reforms to the child protection system.[117]

67. OHCHR recommended that Guatemala allocate sufficient resources to the specialized tribunals on femicide and other forms of violence against women and expand their coverage and continue efforts to ensure that all women victims of violence, especially indigenous and rural women, had access to justice.[118]

68. The Committee on the Elimination of Racial Discrimination was concerned that women in indigenous communities continued to face multiple forms of discrimination and that indigenous women continued to be subject to violence and face hurdles in seeking access to justice. It recommended that Guatemala include a gender perspective in all its policies and strategies, and take action to change the circumstances and patterns that made indigenous women vulnerable to violence.[119]

69. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure the inclusion of women and girls with disabilities in all policies and programmes on gender equality and discrimination.[120]

2. Children[121]

70. Despite the reduction in child labour, the Committee on Economic, Social and Cultural Rights reiterated its concern about the continuing economic exploitation of children, especially in agricultural and domestic services. It urged Guatemala to conduct systematic labour inspections and to implement public policies aimed at reducing the vulnerability of children.[122] The ILO Committee of Experts noted with concern that a significant number of children under the minimum age for admission to employment were engaged in work in Guatemala, and urged the Government to intensify its efforts to ensure the progressive elimination of child labour.[123]

71. The United Nations country team recommended that Guatemala move away from its guardianship-based model of child protection and adopt a human rights-based approach.[124]

72. The ILO Committee of Experts requested that the Government pursue its efforts to ensure that thorough investigations and robust prosecutions were carried out against the perpetrators of trafficking of children under 18 years of age for commercial sexual exploitation, and against officials who were complicit in such acts. It urged the Government to take immediate and effective time-bound measures to combat the commercial sexual exploitation of children under 18 years of age.[125]

73. UNESCO stated that, to the extent of its knowledge, there was no legislation to explicitly prohibit corporal punishment of children in schools, nor had measures been taken to detect and discourage violence at school.[126] The Committee on the Rights of Persons with Disabilities recommended that Guatemala prohibit and eliminate corporal punishment of children.[127]

3. Persons with disabilities[128]

74. The Committee on the Rights of Persons with Disabilities recommended that Guatemala review all of its legislation and policies on equality and non-discrimination with a view to ensuring the full enjoyment by persons with disabilities of all human rights on an equal basis with others.[129]

75. It also recommended that Guatemala ensure that all persons with disabilities who had been deprived of their legal capacity enjoyed equal recognition before the law. It further recommended that Guatemala repeal the existing systems of total and partial guardianship, under which a person had no or limited legal capacity, thus depriving the person, inter alia, of the right to vote, and develop systems of supported decision-making to enable and promote the realization of the rights of persons with disabilities.[130]

76. It recommended that Guatemala ensure that no women or girls with disabilities were subject to forced sterilization or abortion and that all medical procedures and treatments concerning persons with disabilities were contingent on their free and informed consent.[131] It urged Guatemala to investigate properly all instances of exploitation, violence and abuse committed against persons with disabilities, in order to ensure that the perpetrators were identified, investigated and, where appropriate, prosecuted.[132]

77. It also urged Guatemala to ensure that persons with disabilities were not deprived of their liberty on grounds of disability.[133]

78. It noted that the law on mental health was not in line with the Convention on the Rights of Persons with Disabilities, and that an unknown number of persons with

disabilities, including children, lived in institutions where the conditions were poor.[134] It recommended that Guatemala urgently draw up a strategy for the deinstitutionalization of persons with disabilities and abolish the institutionalization of children of any age.[135] The United Nations country team indicated that, in 2012, the Inter-American Commission on Human Rights had requested that the State immediately implement measures to protect patients at the Federico Mora National Mental Health Hospital from acts of physical, psychological and sexual violence.[136]

79. The Committee on the Rights of Persons with Disabilities recommended that Guatemala provide support to families of children with disabilities to prevent family breakdown and institutionalization of the children.[137]

4. Indigenous peoples[138]

80. The Committee on the Elimination of Racial Discrimination took note of the strengthening of institutions in the area of indigenous peoples' rights, but was concerned that those institutions were underresourced and that indigenous peoples were still not enjoying full participation under the policies pursued by those institutions.[139]

81. OHCHR underscored a number of decisions on indigenous people's rights taken by the Constitutional Court in 2016 and stated that Congress had still not advanced in the approval of legal initiatives related to indigenous peoples' rights, including concerning the approval of a law on community radio.[140]

82. The Committee on the Elimination of Racial Discrimination was concerned about the scant protection afforded to indigenous peoples, inasmuch as Guatemala continued to allow lands traditionally owned by indigenous peoples to be taken from them without consultation. It urged Guatemala to recognize the right of indigenous peoples to lands and territories by creating an appropriate legal framework in consultation with the indigenous population.[141]

83. OHCHR stated that, despite constitutional recognition of the right of indigenous peoples to their lands and territories, there were numerous problems relating to land tenure security, including irregularities in land acquisition and the lack of a reliable land registry.[142] The United Nations country team recommended that Guatemala ensure access to land and land titles for indigenous peoples.[143]

84. OHCHR pointed out that energy and mining projects, especially those in indigenous territories, were one of the main sources of unrest, and that a common denominator of those social conflicts was the failure to inform and to consult with indigenous and other local communities potentially affected by the projects.[144] The Deputy High Commissioner for Human Rights stated that steps were still outstanding to ensure full and genuine participation of indigenous peoples in decision-making, especially in the context of hydroelectric, mining and other projects.[145]

85. OHCHR called for the fulfilment of adequate consultation processes to protect the rights of indigenous peoples as a prerequisite to issuing any licence or permit for natural resources exploitation and development projects affecting indigenous peoples. It recommended developing, in consultation with indigenous peoples, measures to ensure respect for the traditional forms of natural resource management within protected areas where collective lands existed, in accordance with international standards.[146]

86. The Committee on Economic, Social and Cultural Rights urged the State party, in connection with the exploration and exploitation of mining resources and hydrocarbons, to adopt expeditious measures to carry out consultations to allow free expression of consent to the desirability of such projects, sufficient time and opportunity to reflect and take a decision, together with measures to preserve cultural integrity and provide reparation, where necessary.[147]

5. Migrants, refugees, asylum seekers and internally displaced persons[148]

87. OHCHR noted that despite State efforts, violence and organized crime had had an impact on migration outside Guatemala and on internal displacement within the country.[149] The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that

Guatemalan nationals continued to be returned from Mexico and the United States of America, and that the absence of mechanisms to register survivors of violence and displaced persons in Guatemala, coupled with limited alternatives to find protection and relocation in other areas of the country, left survivors of violence perpetrated by organized criminal groups with few options but to seek international protection elsewhere.[150]

88. UNHCR recommended that the Government ensure that the safety of women, children and families deported from those countries was assured upon their arrival, enact regulations to implement the new Migration Code, improve reception facilities, ensure that refugee status determination procedures were fair and efficient, and strengthen the capacity of the migration authority by allocating it appropriate financial and technical resources.[151]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Guatemala will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/GTIndex.aspx.
[2] For relevant recommendations, see A/HRC/22/8, paras. 99.1-99.6, 99.8, 100.1-100.5, 100.8 and 100.11.
[3] See CERD/C/GTM/CO/14-15 and Corr.1, para. 27.
[4] Ibid., para. 29.
[5] See CRPD/C/GTM/CO/1, para. 8, and CAT/C/GTM/CO/5-6, para. 25.
[6] See E/C.12/GTM/CO/3, para. 29. See also CAT/C/GTM/CO/5-6, para. 26.
[7] See CAT/C/GTM/CO/5-6, para. 26.
[8] See CERD/C/GTM/CO/14-15 and Corr.1, para. 27, and CAT/C/GTM/CO/5-6, para. 26.
[9] See E/C.12/GTM/CO/3, para. 15.
[10] See A/HRC/34/3/Add.1, para. 1.
[11] OHCHR, "Funding" and "Donor profiles" in *OHCHR Report 2013*, pp. 131 and 176.
[12] For relevant recommendations, see A/HRC/22/8, paras. 99.12 and 100.10.
[13] See A/HRC/25/19/Add.1, paras. 90 and 94.
[14] See CAT/C/GTM/CO/5-6, para. 23.
[15] See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 17.
[16] For relevant recommendations, see A/HRC/22/8, paras. 99.9-99.10, 99.20-99.25, 99.27, 99.103, 99.105, 99.107-100.9 and 100.20.
[17] See A/HRC/31/3/Add.1, para. 53.
[18] See CERD/C/GTM/CO/14-15 and Corr.1, para. 19.
[19] See E/C.12/GTM/CO/3, para. 11.
[20] Ibid., para. 9. See also CAT/C/GTM/CO/5-6, paras. 22-23, United Nations country team submission to the universal periodic review of Guatemala, paras. 25-26, and A/HRC/34/3/Add.1, para. 61.
[21] For relevant recommendations, see A/HRC/22/8, paras. 99.106, 99.109-99.111, 100.9, 100.19, 100.21-100.22 and 100.24-100.27.
[22] See country team submission, para. 35. See also A/HRC/34/3/Add.1, paras. 50 and 52, and A/HRC/28/3/Add.1 and Corrs. 1-2, para. 103.
[23] For relevant recommendations, see A/HRC/22/8, paras. 99.1-99.5, 99.18, 99.28-99.30, 99.35, 99.58, 99.60 and 99.62.
[24] See CAT/C/GTM/CO/5-6, para. 25.
[25] See A/HRC/34/3/Add.1, para. 17.
[26] See A/HRC/34/3/Add.1, para. 100 (c).
[27] See CAT/C/GTM/CO/5-6, para. 16.
[28] See country team submission, para. 50.
[29] See A/HRC/34/3/Add.1, para. 26. See also A/HRC/28/3/Add.1 and Corrs. 1-2, paras. 43-44, and A/HRC/31/3/Add.1, para. 30.
[30] See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 38. See also A/HRC/31/3/Add.1, para. 94 (i).
[31] See A/HRC/34/3/Add.1, para. 100 (e).
[32] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
[33] See www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2016/20161208_PDH_OACNUDH_Graves_hechos_contra_mujeres_trans.pdf.
[34] See CAT/C/GTM/CO/5-6, para. 11.
[35] Ibid., para. 9.
[36] See A/HRC/34/3/Add.1, para. 28.
[37] See CAT/C/GTM/CO/5-6, para. 9.
[38] See A/HRC/34/3/Add.1, para. 28.

[39] For relevant recommendations, see A/HRC/22/8, paras. 99.41, 99.50-99.51, 99.59, 99.61, 99.63-99.66 and 100.16-100.17.
[40] See A/HRC/34/3/Add.1, para. 3.
[41] See A/HRC/31/3/Add.1, paras. 4-5.
[42] See www.un.org/press/en/2015/sgsm16870 doc.htm. See also General Assembly resolution 67/267 and www.un.org/press/en/2013/ga11374 doc.htm.
[43] See A/HRC/34/3/Add.1, paras. 3-5. See also country team submission, para. 45.
[44] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E. See also A/HRC/34/3/Add.1, paras. 15 and 100 (a).
[45] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21167&LangID=S.
[46] See A/HRC/34/3/Add.1, para. 16.
[47] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E. See also A/HRC/34/3/Add.1, para. 14.
[48] See A/HRC/25/19/Add.1, paras. 23 and 33. See also A/HRC/34/3/Add.1, para. 8.
[49] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
[50] See A/HRC/34/3/Add.1, para. 100 (b).
[51] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21175&LangID=E.
[52] See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 18.
[53] See CERD/C/GTM/CO/14-15 and Corr.1, para. 10.
[54] Ibid., para. 10. See also A/HRC/31/3/Add.1, para 20, A/HRC/34/3/Add.1, para. 18, country team submission, para. 47 and UNHCR submission to the universal periodic review of Guatemala, p. 2.
[55] See CERD/C/GTM/CO/14-15 and Corr.1, para. 10. See also A/HRC/34/3/Add.1, para. 20, and country team submission, para. 46.
[56] See A/HRC/34/3/Add.1, para. 20.
[57] See CAT/C/GTM/CO/5-6, para. 10.
[58] See CERD/C/GTM/CO/14-15 and Corr.1, para. 17. See also A/HRC/34/3/Add.1, para. 22, and A/HRC/31/3/Add.1, para. 24.
[59] See A/HRC/34/3/Add.1, para. 24.
[60] Ibid., para. 23. See also A/HRC/34/3/Add.1, para. 24.
[61] See CRPD/C/GTM/CO/1, paras. 18, 36 and 39-40.
[62] See CAT/C/GTM/CO/5-6, para. 18. See also A/HRC/34/3/Add.1, para. 31.
[63] See A/HRC/34/3/Add.1, para. 32.
[64] See CAT/C/GTM/CO/5-6, para. 19.
[65] For relevant recommendations, see A/HRC/22/8, paras. 99.12, 99.14-99.15, 99.19-99.20, 99.23-99.25, 99.27, 99.52-99.53, 99.74-99.76, 99.79, 99.101-99.103, 99.105, 99.108-99.109, 100.15 and 100.18.
[66] See CERD/C/GTM/CO/14-15 and Corr.1, para. 15, and CERD/C/GTM/CO/12-13, para. 9. See also CAT/C/GTM/CO/5-6, para. 14, A/HRC/34/3/Add.1, para. 35, A/HRC/31/3/Add.1, paras. 39, 45 and 94 (p), and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
[67] See A/HRC/34/3/Add.1, para. 35. See also country team submission, paras. 21-24 and 43.
[68] A/HRC/25/19/Add.1, para. 12.
[69] See CERD/C/GTM/CO/14-15 and Corr.1, para. 15, and CERD/C/GTM/CO/12-13, para. 9. See also CAT/C/GTM/CO/5-6, para. 14, A/HRC/34/3/Add.1, para. 35, A/HRC/31/3/Add.1, paras. 39, 45 and 94 (l)-(m), and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
[70] See country team submission, para. 24. See also A/HRC/34/3/Add.1, paras. 40-42, and A/HRC/31/3/Add.1, para. 44.
[71] See A/HRC/34/3/Add.1, para. 38. See also country team submission, paras. 21-24 and 43.
[72] See A/HRC/34/3/Add.1, para. 100 (g). See also country team submission, p. 12 (recommendation No. 14).
[73] See A/HRC/34/3/Add.1, para. 39. See also A/HRC/31/3/Add.1, para. 94 (m).
[74] See UNESCO submission to the universal periodic review of Guatemala, paras. 4 and 16-17.
[75] See UNESCO submission, paras. 3-6 and 17. See also www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2015/20150728_UNESCO_y_OACNUDH_repudian_agresiones_contra_periodistas.pdf.
[76] See A/HRC/31/3/Add.1, para. 94 (m).
[77] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255430.
[78] See country team submission, para. 20.
[79] See E/C.12/GTM/CO/3, para. 12. See also E/C.12/GTM/CO/3. para. 11.
[80] See A/HRC/31/3/Add.1, paras. 54-55.
[81] See CERD/C/GTM/CO/14-15 and Corr.1, para. 16. See also A/HRC/34/3/Add.1, para. 22.
[82] See CRPD/C/GTM/CO/1, paras. 67-68.

[83] For relevant recommendations, see A/HRC/22/8, paras. 99.22, 99.24-99.25, 99.76 and 99.80.
[84] See E/C.12/GTM/CO/3, para. 12.
[85] See CERD/C/GTM/CO/14-15 and Corr.1, para. 23. See also E/C.12/GTM/CO/3, paras. 13 and 15, A/HRC/31/3/Add.1, para. 66, and country team submission, paras. 11-12.
[86] See A/HRC/34/3/Add.1, para. 70.
[87] See A/HRC/31/3/Add.1, para. 70, and A/HRC/28/3/Add.1 and Corrs. 1-2, para. 73. See also A/HRC/34/3/Add.1, para. 69.
[88] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255430.
[89] Ibid.
[90] For relevant recommendations, see A/HRC/22/8, paras. 99.13, 99.81-99.82, 99.85-99.94, 100.9, 100.20, 100.22-100.23, 100.25, 100.27 and 100.29.
[91] See country team submission, para. 1. See also A/HRC/34/3/Add.1, para. 13.
[92] See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 4. See also World Bank, *Guatemala Economic DNA: Harnessing Growth* (2014), p. 9.
[93] See E/C.12/GTM/CO/3, para. 21. See also A/HRC/31/3/Add.1, para. 75, and A/HRC/34/3/Add.1, paras. 74-75.
[94] See A/HRC/34/3/Add.1, para. 75.
[95] See E/C.12/GTM/CO/3, para. 20.
[96] Ibid., para. 19. See also A/HRC/34/3/Add.1, paras. 63-64.
[97] See A/HRC/34/3/Add.1, paras. 63-64 and 67.
[98] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21818&LangID=E.
[99] For relevant recommendations, see A/HRC/22/8, paras. 99.40, 99.58, 99.84, 99.93, 99.95-99.97 and 99.100-99.101.
[100] See A/HRC/31/3/Add.1, para. 72.
[101] See A/HRC/34/3/Add.1, para. 72. See also country team submission, paras. 4-7.
[102] See A/HRC/31/3/Add.1, para. 94 (t).
[103] See CERD/C/GTM/CO/12-13, para. 13.
[104] See CERD/C/GTM/CO/14-15 and Corr.1, para. 21. See also E/C.12/GTM/CO/3, para. 22.
[105] See E/C.12/GTM/CO/3, para. 23. See also A/HRC/31/3/Add.1, para. 51, and CRPD/C/GTM/CO/1, paras. 61-62.
[106] See E/C.12/GTM/CO/3, para. 23.
[107] See CRPD/C/GTM/CO/1, paras. 22 and 61-62.
[108] For relevant recommendations, see A/HRC/22/8, paras. 99.58, 99.77, 99.84, 99.93, 99.98-99.101 and 99.108.
[109] See E/C.12/GTM/CO/3, para. 24.
[110] See A/HRC/22/8, paras. 99.77, 99.84, 99.93, 99.98-99.101 and 99.108.
[111] See UNESCO submission, para. 14. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3084787 and country team submission, para. 3.
[112] UNESCO submission, p. 7 (recommendation No. 1).
[113] See CRPD/C/GTM/CO/1, paras. 59-60. See also UNESCO submission, para. 14.
[114] For relevant recommendations, see A/HRC/22/8, paras. 99.10, 99.14-99.16, 99.20-99.25, 99.31-99.32, 99.34-99.48, 99.54, 99.61, 99.95 and 99.99.
[115] See E/C.12/GTM/CO/3, para. 10. See also CAT/C/GTM/CO/5-6, para. 13.
[116] See A/HRC/34/3/Add.1, para. 56. See also country team submission, paras. 17-19.
[117] See country team submission, para. 13. See also www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2017/20170315_Informe-Hogar-Seguro-OACNUDH-UNICEF-14032017.pdf.
[118] See A/HRC/25/19/Add.1, para. 99.
[119] See CERD/C/GTM/CO/14-15 and Corr.1, para. 26.
[120] See CRPD/C/GTM/CO/1, paras. 19-20.
[121] For relevant recommendations, see A/HRC/22/8, paras. 99.16-99.17, 99.19, 99.54-99.58, 99.67, 99.69-99.72, 99.83, 99.88-99.89 and 99.100-99.101.
[122] See E/C.12/GTM/CO/3, para. 18.
[123] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3252854.
[124] Country team submission, p. 12 (recommendation No. 10).
[125] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3252862.
[126] See UNESCO submission, para. 15. See also CRPD/C/GTM/CO/1, paras. 23-24, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E.
[127] See CRPD/C/GTM/CO/1, paras. 23-24. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E.
[128] For relevant recommendations, see A/HRC/22/8, paras. 99.26 and 99.100-99.102.

[129] See CRPD/C/GTM/CO/1, para. 16.
[130] Ibid., paras. 31-32.
[131] Ibid., paras. 49-50.
[132] Ibid., paras. 45-46.
[133] Ibid., paras. 41-42.
[134] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E. See also A/HRC/31/3/Add.1, para. 28.
[135] See CRPD/C/GTM/CO/1, paras. 53-54. See also CAT/C/GTM/CO/5-6, para. 21.
[136] See country team submission, para. 30.
[137] See CRPD/C/GTM/CO/1, paras. 53-54.
[138] For relevant recommendations, see A/HRC/22/8, paras. 99.9, 99.11, 99.19, 99.21, 99.68, 99.71, 99.78, 99.89, 99.94-99.95, 99.103-99.111, 100.19-100.20 and 100.22-100.27.
[139] See CERD/C/GTM/CO/14-15 and Corr.1, para. 25.
[140] See A/HRC/34/3/Add.1, paras. 44-45.
[141] See CERD/C/GTM/CO/14-15 and Corr.1, paras. 13-14. See also E/C.12/GTM/CO/3, paras. 6-7.
[142] See A/HRC/34/3/Add.1, para. 47. See also country team submission, para. 35.
[143] Country team submission, p. 12 (recommendation No. 17).
[144] See A/HRC/25/19/Add.1, para. 16. See also country team submission, paras. 31-35.
[145] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
[146] See A/HRC/34/3/Add.1, para. 100.
[147] See E/C.12/GTM/CO/3, para. 7.
[148] For the relevant recommendation, see A/HRC/22/8/Add.1, para. 99.67.
[149] See A/HRC/34/3/Add.1, para. 27.
[150] UNHCR submission, pp. 3-4. See also A/HRC/34/3/Add.1, para. 27, and country team submission, paras. 39-41.
[151] UNHCR submission, pp. 4-5.